

Agenda item: 3

Staff person handling: Sandra Straehl

Date/location: June 6, 2005 conference call

Item: **Emergency repair project**

UPN# 5782 – *Beartooth Highway Emergency Repair*

Background

On May 20, 2005, several debris slides on the west slope of the Beartooth Pass south of Red Lodge caused catastrophic failure of US 212 between mile markers 46 and 56. US 212 is closed to all traffic through the 10-mile stretch of highway. Debris is continuing to fall posing safety concerns for travelers and workers alike.

Funding

Because of the emergency nature of the failure, the department is requesting Federal Emergency Relief (ER) funds, under provisions of Title 23, U.S.C., Section 125, to assist in the cost of repairing and reconstructing the highway. On May 27, we applied to FHWA for \$20.4 million in ER funds. If all the repairs are completed within 180 days following the event, the work will be 100 percent federally funded. If work continues beyond 180 days, federal participation will be 86.58 percent with a required state match of 13.42 percent. Also, investigations are ongoing regarding underlying ownership of the right-of-way the outcome of which may have a bearing on the rate of federal participation.

The project request is under review for eligibility by the Federal Highway Administration. In the meantime, the project will be funded with Surface Transportation Program Primary (STPP) funds. Also, as a short term cash flow strategy, Central Federal Lands (CFL) of the FHWA has initiated the transfer of \$12 million in unencumbered high priority project (HPP) federal funds (from the TEA-21 authorization) to MDT until ER or other funding is available. Future funds directed at the repairs will be used to reimburse CFL up to the \$12 million. This strategy should assist in preventing disruption of Montana's highway construction program.

Cost and time estimates

Because of the emergency nature of this project, the department set in motion an accelerated design and construction process. MDT engineers have assessed the damage, however due to the unstable nature of the area, they are unable to determine and exact cost of the repair. Initial estimates are \$20 million for construction, \$200,000 for construction engineering, and \$200,000 for preliminary engineering for a total of **\$20.4 million**.

In order to expedite work on the sites, we will be awarding a contract on a force account basis. This allows us to pay the successful contractor the exact costs of the project plus the documented overhead. The solicitation of proposals from qualified contractors will be

advertised Friday, June 3. The contractors will be expected to provide the engineering to design the repair as well as constructing the improvements. **The completion date of the permanent restoration is estimated at May 28, 2006.** We will reassess this date in August when work is underway and more information is available.

Summary

As a result of debris slides on the Beartooth Highway (US 212), the department has accelerated the design and build process to permanently repair the site. Pending approval of ER funds, the improvements will be accomplished using STPP funding and HPP funds.

Staff recommendations

Staff recommends commission approve the interim use of Surface Transportation Program Primary funding to make permanent repairs to the Beartooth Highway (US 212) from reference post 46 to 56. Staff is also recommending the commission approve MDT's request for \$20.4 million in Emergency Relief funding. Further, if staff is successful in acquiring HPP funding, staff recommends commission approve use of those funds to assist in the cash flow needed to repair the Beartooth Highway, with the understanding that the amount loaned to the project will be repaid to CFL once other funds directed at the repairs are available.

Notes/discussion

Commission action